

TOWNSHIP OF MOUNT PLEASANT, ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2017-02

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE HEIGHT OF GRASS AND THE GROWTH OF WEEDS AND OTHER VEGETATION LOCATED WITHIN THE PUBLIC ROAD RIGHT OF WAY IN RESIDENTIAL SUBDIVISIONS, AS DEFINED HEREIN, TO DECLARE THE SAME TO BE A NUISANCE UNDER CERTAIN CONDITIONS, TO AUTHORIZE THE TOWNSHIP TO CUT OR CAUSE THE REMOVAL OF HAZARDOUS OR NUISANCE VEGETATION, TO PRESCRIBE DUTIES OF PROPERTY OWNERS, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Second Class Township Code, 53 P.S. §65101 et. seq. (the "Code"), authorizes the Board of Supervisors, in Section 1529, to prohibit nuisances; and

WHEREAS, the Board of Supervisors is authorized in Section 1704-A of the Code to enact ordinances containing property maintenance requirements; and

WHEREAS, the Board of Supervisors finds it to be necessary for the proper management, care and control and the maintenance of peace, health, and welfare of the citizens of the Township to enacted standards for the maintenance of the area between the cartway of public roads in residential subdivisions and property lines.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Mount Pleasant, Adams County, Pennsylvania, as follows:

SECTION 1: CONSTRUCTION. In the interpretation of this Ordinance, the provisions shall be construed as follows:

- A. Any term in the singular shall include the plural and vice versa, unless the context otherwise requires;
- B. Any term in the masculine shall include the feminine or other; and
- C. Any requirement or prohibition of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.

SECTION 2: DEFINITIONS

Board of Supervisors: The Board of Supervisors of Mount Pleasant Township.

Fire Hydrant (or "hydrant"): All Pumper-type hydrants which are equipped with outlets placed for the purpose of and intended for supplying water to fire department pumpers, of which the

number of outlets, outlet diameter(s), and thread specifications shall be designated by the local fire department, Municipal Authority, or the Township. The term shall also include "yard hydrants," which are those hydrants equipped with not less than two-and-one-half (2-1/2) inch outlets and are supplied with water from a siamese connect; "dry hydrants," which are those hydrants installed to an approved static water source equipped with one draft outlet and standard outlet diameter and thread specifications; and all other types of hydrants owned by a public or private entity.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. A "lot" may or may not coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Person: Any natural individual, corporation, company, estate, joint stock association, firm, partnership, trust, or any other public or private association or entity.

Residential Subdivision: A subdivision in the Township consisting of five or more adjoining lots which are designated for residential use, where all or a portion of the lots front on Township streets with a dedicated street right-of-way width of fifty (50) feet or greater.

Shrub: A woody plant of relatively low height, having several stems arising from the base and lacking a trunk. The term shall also include a "bush" and "hedge." A shrub shall be distinguished from a tree by its multiple stems and shorter height.

Township: Mount Pleasant Township.

Traffic control device: Any sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction. The term shall include traffic signals.

Tree: A woody perennial plant with an elongated stem, or trunk, supporting leaves or branches, attaining a height of at least eight (8) feet at maturity.

Vegetation: Includes but is not limited to grass (graminoids), weeds, unmaintained shrubs, vines, and similar growths, but shall not include trees, or any part thereof not located within or encroaching upon the public right-of-way, ornamental shrubbery, flowers, garden vegetables,

compost piles, or other plants or vegetables customarily planted and/or cultivated for an agricultural or ornamental purpose.

Vine: Any plant with a growth habit of trailing or scandent (or climbing) stems or runners.

Weeds: All rank, noxious, poisonous, harmful, unhealthy vegetation deleterious to health, which shall include but not be limited to Canada thistle (*Cirsium arvense*), multiflora rose (*Rosa multiflora*), Johnson grass (*Sorghum halepense*), mile-a-minute vine (*Polygonum perfoliatum*), kudzu vine (*Pueraria lobata*), bull thistle (*Cirsium vulgare*), musk thistle (*Carduus nutans*), shattercane (*Sorghum bicolor* ssp. *drummondii*), jimsonweed (*Datura stramonium*), purple loosestrife (*Lythrum salicaria*), giant hogweed (*Heracleum mantegazzianum*), goatstrue (*Galega officinalis*), burdock (*Arctium lappa*), poison ivy (*Toxicodendron radicans*), ragweed (species of *Ambrosia*), common cocklebur (*Xanthium strumarium*), and any other plant identified by the Pennsylvania Department of Agriculture's Noxious Weed Control List (7 Pa Code §110.1) or the Pennsylvania Department of Conservation and Natural Resources as an invasive plant.

SECTION 3: REGULATIONS FOR THE GROWTH OR ACCUMULATION OF VEGETATION

- A. It shall be unlawful and a nuisance for any person owning, leasing, occupying, or otherwise having a present possessory interest in any real estate in a residential subdivision in the Township to permit or maintain in the area located between the property line and the cartway of any street the growth of grass to a height of twelve (12) or more inches, or any accumulation of weeds.
- B. It shall be unlawful and a nuisance for any person owning, leasing, occupying, or otherwise having a present possessory interest in any real estate in a residential subdivision in the Township to permit shrubs, vines, and similar plantings to:
 - 1) Be placed or grown in the area located between the property line and the cartway of any street; or
 - 2) Cover or encroach in the area located between the property line and the cartway of any street.

SECTION 4: VISION OBSTRUCTION ALONG STREETS PROHIBITED

In addition to the standards already provided in this Ordinance, any person owning, leasing, occupying, or otherwise having a present possessory interest in any real estate in a Residential Subdivision in the Township shall keep all trees, shrubs, hedges, and other vegetation cut, and maintained to the following standards:

- A. Within the public right-of-way and at all intersections of streets, private roads, alleys, access drives, and driveways, such plants shall be maintained in order to maintain such clear sight triangles required under the applicable provisions of the Township's Zoning Ordinance or Subdivision and Land Development Ordinance.
- B. At no time shall such plants or any part thereof, obstruct any traffic control device.

SECTION 5: ENCROACHMENT OF EASEMENTS AND STORM WATER FACILITIES PROHIBITED

It shall be unlawful for any person owning, leasing, occupying, or otherwise having a present possessory interest in any real estate in a Residential Subdivision in the Township to permit any tree, shrub, hedge, and other vegetation to be planted or grow within the area of an easement or storm water management facility that would adversely affect the function of the easement or storm water management facility.

SECTION 6: OBSTRUCTION OR BLOCKING OF FIRE HYDRANTS PROHIBITED

All hydrants shall be kept clear of weeds, rubbish, and all other obstructions for at least a three (3) foot space around the circumference of the fire hydrant, by the abutting property owner. Landscaping or decorations shall not be used to obstruct or hide the fire hydrant from clear view, nor prohibit access to the hydrant for use or maintenance.

SECTION 7: CLEARANCE OF OBSTRUCTIONS OR ENCROACHMENTS INTO THE RIGHT-OF-WAY

The Township may remove, or cause to be removed within a Residential Subdivision in the Township, any tree, branch, tree limb, hedge, shrubbery, or other vegetation in the public right-of-way, or otherwise obstructs traffic, street lighting, traffic control devices, access to fire hydrants, or constitutes a danger to the passing public. Nothing in this Ordinance shall prevent the Township from performing maintenance to the public right-of-way.

SECTION 8: MAINTENANCE REQUIREMENTS

Any person owning, leasing, occupying, or otherwise having a present possessory interest in any real estate in a residential subdivision in the Township shall be responsible for the maintenance of the area located between the property line and the cartway of any street in the residential subdivision in the Township and shall not permit or maintain any condition or activity which would constitute a nuisance or danger to the public.

SECTION 9: ENFORCEMENT

- A. This Ordinance shall be enforced by such Code Enforcement Officer(s) as designated by the Board of Supervisors.
- B. Violation Notice. After inspection, if any property is determined to be in violation of this Ordinance, a violation notice shall be given by personal service or certified mail upon the owner, lessee, or other person having a present interest therein. Where notice cannot be served in the above manner, notice may be served by posting a copy thereof in at least one (1) conspicuous place on said premises at least ten (10) days prior to taking subsequent action. Additional notices are not required for subsequent offenses. This paragraph may be suspended if, in the determination of the Township, the obstruction or encroachment constitutes an imminent danger to the health, safety, or welfare of the public.
- C. Failure to Comply. If said vegetation remains in violation beyond ten (10) days from service of the aforesaid notice, the Township may, at its option, cut or direct a third party to cut or remove, as the situation dictates, said vegetation.
- D. Right of Entry. The Township, or any person acting under its direction, may enter upon any premises or lands for the purpose of removing or destroying vegetation prohibited by this Ordinance. No person shall interfere with any Township official or designee while they are engaged in carrying out the provisions of this Ordinance.
- E. Assessment of Costs. All expenses of such cutting or removal, to include equipment usage, transportation, man-hours involved, and overhead, including any and all costs incurred in the removal or relocation of debris, junk, or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements of this Ordinance shall be paid by the offending party plus a penalty of ten percent (10%).

SECTION 10: TOWNSHIP NOT LIABLE FOR DAMAGE

In any instance where a property owner fails to adhere to the provisions of this Ordinance, which would authorize the Township to fulfill the owner's duties as provided for herein, the Township shall not be liable for any alleged damage to any property that might arise in the course of enforcing the provisions of this Ordinance. "Property" shall include but not be limited to vegetation, including trees, buildings or structures, mailboxes, vehicles, fire hydrants, or any other permitted or non-permitted obstruction in the public right-of-way.

SECTION 11: PENALTIES

- A. Any person who violates the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$250 plus costs of prosecution.
- B. Violations of this Ordinance shall also subject the violator to such additional sanctions, remedies, and judicial orders as are authorized and provided for under Pennsylvania law.

SECTION 12: SEVERABILITY

If any section, clause, sentence, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included.

SECTION 13: REPEALER

All Township ordinances, parts of ordinances, policies, and regulations inconsistent with the provisions of this Ordinance are repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby.

SECTION 14: EFFECTIVE DATE

This Ordinance shall be effective five (5) days following enactment.

ENACTED this 27th day of July, 2017.

Board of Supervisors
Mount Pleasant Township

By: *C. A. Wil*
Supervisor

By: *Richard F. ...*
Supervisor

By: _____
Supervisor

Attest: *Nancy L. Graft*
Secretary

